

### Committee Substitute House Bill 20 on Passage to Third Reading

The President pro tempore laid before the Senate, as the unfinished business, on its passage to third reading (the bill having been read second time on yesterday):

"An Act regulating the practice of chiropractic in Texas; creating an examining board of graduate chiropractors; providing for the appointment and maintenance thereof; providing for an executive secretary and assistants; fixing bond for the executive secretary; outlining qualifications of the chiropractors making up the board; prescribing duties of the board; fixing fees and regulating funds; providing for transfer of certain moneys left as a balance in any fiscal year to the General Fund; defining the science of chiropractic; providing for licensing; providing for license renewal and fee; providing for filing of certified copies of licenses with District Clerks; fixing standards for chiropractic colleges; fixing requirements for examinees and providing exemptions; providing for examination fees; providing for reciprocity and fees; providing for revocation of license after notice and hearing; provided for appeal; providing for action by the Attorney General on application of the board; fixing penalties; repealing all laws in conflict; providing a saving clause; and declaring an emergency."

Question—Shall the bill be passed to third reading?

### Bill and Resolutions Signed

The President pro tempore signed in the presence of the Senate, after giving due notice that he would do so, the following enrolled bills and resolution:

Senate Bills Nos. 44, 150, 223, 268, 7, 255, 121, 93 and 112.

Senate Concurrent Resolution No. 49.

### Adjournment

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m., Monday, April 26, 1943.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—13

Beck	Bullock
Brownlee	Hazlewood

Lane	Morris
Lanning	Stone
Metcalfe	Weinert
Moffett	York
Moore	

Nays—9

Aikin	Mauritz
Graves	Shivers
Jones	Sulak
Lovelady	Vick
Martin	

Absent

Chadick	Ramsey
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Absent—Excused

Cotten	Lemens
Fain	Spears
Formby	Winfield
Kelley	

The Senate, accordingly, at 4:25 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday April 26, 1943.

### FIFTY-EIGHTH DAY

(Monday, April 26, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### Leaves of Absence Granted

Senator Beck was granted leave of absence for today on account of important business, on motion of Senator Ramsey.

Senator York was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Cotten.

#### Report of Standing Committee

Senator Winfield submitted at this time the following report:

Committee Room,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred H. B. No. 523, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

#### Communication from Byron C. Utecht

The following communication was read to the Senate:

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, Lieutenant Governor and Members of the Texas Senate:

On behalf of my son, R. J. Utecht, daughter, Mrs. R. L. Sudheimer, and myself I desire to express my deep gratitude to all of you for your kind and sympathetic resolution and floral tribute following our bereavement in the death of my wife. This was all a great help in appreciation of which mere words fail to convey our feelings of thanks.

Sincerely,

BYRON C. UTECHT.

(Senator Moffett in the Chair.)

#### Senate Bill 348 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 348, A bill to be entitled "An Act authorizing the State Highway Commission to designate any

county road as a farm-to-market road for construction, reconstruction, and maintenance only; authorizing counties of the State to enter into contracts with the State Highway Commission with reference to said roads; providing that the indebtedness incurred in constructing such roads shall not participate in the County and Road District Highway Fund; declaring the State policy with reference to such roads; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 348 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 348 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Metcalf
Brownlee	Moffett
Bullock	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	

Nays—1

Lovelady

Absent

Moore

Absent—Excused

Beck	Kelley
Chadick	Lemens
Fain	Spears
Formby	York

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22

Aikin	Metcalfe
Brownlee	Moffett
Bullock	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	

## Nays—1

Lovelady

## Absent

Moore

## Absent—Excused

Beck	Kelley
Chadick	Lemens
Fain	Spears
Formby	York

## Senate Bill 356 on First Reading

By unanimous consent, the following local bill, at this time was introduced, read first time, and referred to the committee indicated:

By Senator Moore:

S. B. No. 356, A bill to be entitled "An Act authorizing incorporated towns and cities in the State of Texas, including home rule cities, having a population of 384,000 inhabitants or more, according to the last preceding or any future Federal Census, owning and operating a water supply and distribution system, to purchase, lease, repair, improve, enlarge and extend, maintain, operate and manage, sell water from and contract concerning, any and all water supply and distributing systems, projects and improvements which are owned or constructed, either within or without the limits of any such town or city but wholly within the boundaries of the county wherein such city is located by the Government of the United States of America, the Federal Works Agency, or any other governmental agency; providing that the provisions of this Act shall be cumulative of and not a limitation upon any right, power or authority which any such city now has or may hereafter have, containing a savings clause; and declaring an emergency."

To Committee on Commerce and Manufacturing.

(Senator Lanning in the Chair.)

## Message from the Governor

The following message was received, and was read to the Senate and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
April 22, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Directors, Central Colorado River Authority, terms to expire January 1, 1949:

Arthur Young of Burkett, Coleman County;

George Pauley of Valera, Coleman County;

H. E. Evans of Talpa, Coleman County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 324, A bill to be entitled "An Act to amend Subsection 22 of Article 199, Title 8, of the Revised Statutes of Texas, so as to change the time and terms of holding the 22nd District Court in Austin, Hays, Caldwell, Fayette, and Comal Counties, constituting the Twenty-second Judicial District of Texas; etc.; and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 114 by a viva voce vote.

The House refused to concur in Senate amendments to H. B. No. 5 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The House has concurred in Senate amendments to H. B. No. 12 by a vote of 120 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 295 by a vote of 120 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 564 by a vote of 120 yeas, 0 nays.

The House has adopted the Conference Committee report on S. B. No. 178 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 578 by a vote of 120 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 582 by a vote of 120 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 653 by a vote of 120 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 660 by a vote of 120 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 662 by a vote of 120 yeas, 0 nays.

The House has passed the following bills and resolutions:

H. C. R. No. 110, Requesting the Congress of the United States to heed the advice and pleas of the fighting Generals on the battle fronts.

H. B. No. 32, A bill to be entitled "An Act to amend paragraph 1 of Chapter 51 of the Acts of the Forty-fourth Legislature of Texas, Regular Session, relating to the exemption of governmental agencies from payment of the State's license fees for motor vehicles."

H. B. No. 248, A bill to be entitled "An Act providing for the dissolution of water control and improvement Districts whose directors adopt the provisions hereof; etc.; and declaring an emergency."

H. B. No. 268, A bill to be entitled "An Act to prescribe venue of actions and suits for collection of delinquent ad valorem taxes on real estate and personal property; etc.; and declaring an emergency."

H. B. No. 318, A bill to be entitled "An Act to amend Section 5 of H. B. No. 5, Acts of the Regular Session of the Forty-seventh Legislature, providing for certain provisions to be inserted in industrial life insur-

ance policies; etc.; and declaring an emergency."

H. B. No. 349, A bill to be entitled "An Act amending Section 3 of Chapter 46, Acts of the Forty-fifth Legislature (Sec. 3 of Art. 5142b, Revised Civil Statutes of Texas) by providing that in counties having population of not more than three hundred twenty thousand (320,000) inhabitants, and not less than two hundred twenty thousand (220,000) inhabitants, there shall be a chief juvenile officer, and such number of assistant juvenile officers not exceeding ten as may be authorized by the Juvenile Board, and providing for the filling of vacancies in such offices by appointment of said Board."

H. B. No. 382, A bill to be entitled "An Act to amend Subsection (d) of Section 3 of Chapter 506, S. B. No. 477, Acts of the Regular Session of the Forty-fifth Legislature as amended by Section 1 of H. B. No. 565, Acts of the Regular Session of the Forty-sixth Legislature, declaring the provisions of this Act to be severable; etc.; and declaring an emergency."

H. B. No. 410, A bill to be entitled "An Act to amend Article 1349 of the Revised Civil Statutes of the State of Texas of 1925, relating to the employment or use of the stock, means, assets and other property of corporations, and declaring for what purposes the same may be used; etc.; and declaring an emergency."

H. B. No. 416, A bill to be entitled "An Act appropriating out of the State Highway Fund \$6,151.15 to pay the principal and interest due to John W. Goodrum on that certain judgment rendered in his favor by the Court of Civil Appeals in and for the First Supreme Judicial District of Texas at Galveston on the 8th day of January, 1942, for the principal sum of \$4,175.00, with interest thereon at 6% per annum from the 1st day of April, 1935; etc.; and declaring an emergency."

H. B. No. 434, A bill to be entitled "An Act validating the annexation to the Harper Independent School District of Gillespie County, Texas, certain lands and area from the James River School District No. 15 of Kimble County; etc.; and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act making specific appropriation of \$200.00 or so much thereof as may be necessary out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay certain judgment obtained by W. F. Howell, against the State of Texas, as rendered on the 21st of November A. D. 1941, in the District Court of Parker County, Texas, in cause No. 9935, wherein W. F. Howell is plaintiff, to whom prior permission had been granted to bring such suit, and the State of Texas and the State Highway Commission, of Texas, are defendants, for the principal sum of \$150.00 with interest at the legal rate of six per centum per annum from the date of said judgment until paid, such judgment being rendered for damages done to W. F. Howell's land in Parker County, Texas, be reason of rebuilding of United States Highway No. 80, State Highway No. 1; etc.; and declaring an emergency."

H. B. No. 553, A bill to be entitled "An Act amending Articles 4802, 4808, 4809, 4811, 4816, and 4817, and repealing Article 4813, of the Revised Civil Statutes of Texas, 1925; etc.; and declaring an emergency."

H. B. No. 317, A bill to be entitled "An Act to amend Section 3 of S. B. No. 41, Acts of the Regular Session of the Forty-second Legislature, providing for certain provisions to be inserted in group life insurance policies; etc.; and declaring an emergency."

H. B. No. 495, A bill to be entitled "An Act amending Subsection 97, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the time and term of holding the 97th Judicial District Court in Montague and Clay Counties constituting the 97th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act regulating the separation and seating of white and negro passengers on motor buses operating for hire; etc.; and declaring an emergency."

H. B. No. 643, A bill to be entitled "An Act amending Section 1 and 12 of Chapter 253, Acts of the Fortieth Legislature, page 373, as amended by Acts of the Forty-fifth Legislature, Chapter 335, page 671, by adding a new Section thereto to be known as

Section 1a, providing that the Commissioner shall not promulgate or put in force any order, rule, regulation, or rate without notice and hearing, and providing the procedure therefor, and providing for appeals from the action of the Commissioner to the District Courts of Travis County, Texas, and to the Appellate Courts, prescribing the method of trial and appeal; etc.; and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act applying to that portion of the State of Texas inundated by a dam on the Red River near Denison, Texas, and including lands purchased by the Federal Government for the operation of a reservoir on the Red River; etc.; and declaring an emergency."

H. B. No. 668, A bill to be entitled "An Act to empower the State Librarian to issue Certificates of Authorship for the protection of the rights of authors in their unpublished works; etc.; and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act prohibiting the transportation outside of the boundaries of any county of minnows in excess of five hundred (500); etc.; and declaring an emergency."

H. B. No. 681, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from the waters of the Sulphur River of Bowie and Red River Counties, except a seine or net of not less than two inch square mesh; etc.; and declaring an emergency."

H. B. No. 683, A bill to be entitled "An Act to amend Subsection 71 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 71st District Court in Harrison and Gregg Counties, constituting the Seventy-first Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 698, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be during the months of March and April; etc.; and declaring an emergency."

H. B. No. 699, A bill to be entitled "An Act to permit any county having a population of 11,700 and not

less and not more than 11,750 to adopt according to the last preceding Federal Census by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act; etc.; and declaring an emergency."

H. B. No. 358, A bill to be entitled "An Act validating the annexation of territory and the extension of the boundaries of all cities and towns incorporated under the General Laws and having a population of 5,000 inhabitants or less, according to the last preceding Federal Census; etc.; and declaring an emergency."

H. B. No. 516, A bill to be entitled "An Act amending Articles 4700, 4701 and 4702 of the Revised Civil Statutes of Texas, 1925; etc.; and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act adding to Chapter 7 of Title 78 of the Revised Civil Statutes of Texas, 1925, an article to be known as Article 4819a of such statutes; etc.; and declaring an emergency."

H. B. No. 695, A bill to be entitled "An Act to amend Section 18, Chapter 41, Acts of the First Called Session of the Fortieth Legislature, as amended by Section 2, H. B. No. 614, Acts of the Regular Session of the Forty-sixth Legislature, as amended by Section 1, H. B. No. 974, Chapter 564, Acts of the Regular Session of the Forty-seventh Legislature, as amended by Section 1, H. B. No. 624, Chapter 525, Acts of the Regular Session of the Forty-seventh Legislature, as amended by H. B. No. 197, Acts of the Regular Session of the Forty-eighth Legislature, so as to provide for uniform fees to be charged by the issuance of delayed birth and death certificates by the Probate Court, Clerk thereof, and the State Registrar; etc.; and declaring an emergency."

H. B. No. 701, A bill to be entitled "An Act to repeal Chapter 492 of the General and Special Laws passed by the Forty-seventh Legislature at its regular session, 1941, authorizing the commissioners' court of any county having a population of one hundred thousand (100,000) inhabitants or more, according to the last preceding Federal Census, to issue bonds for the purpose of refunding any and all outstanding indebtedness of such county, chargeable against the

general fund which existed on April 30, 1941; etc.; and declaring an emergency."

H. B. No. 703 A bill to be entitled "An Act to authorize the State Highway Department of Texas to enter into agreements with the Public Roads Administration of the United States for the construction and maintenance of flight strips and of certain classes of roads in order to facilitate the war effort; etc.; and declaring an emergency."

H. B. No. 704, A bill to be entitled "An Act to amend Subdivision 6 of Article 199, Title 8, of the Revised Civil Statutes of Texas of 1925, the same fixing the time and prescribing the number of terms of District Court in and for the Sixth Judicial District of Texas, and further providing that the Judge of the Sixth Judicial District shall convene a Grand Jury in Fannin County at only two terms of said Court in each year, unless in his judgment it be necessary for a Grand Jury at other terms, and repealing all laws in conflict herewith; etc.; and declaring an emergency."

H. B. No. 709, A bill to be entitled "An Act amending Chapter 202, Acts of the Regular Session of the Forty-third Legislature, providing that this Act shall apply to any foreign corporation that shall transact business in Texas, requiring such corporation to keep some resident agent empowered to accept process during all the time said corporation shall transact or do any business within this State; etc.; and declaring an emergency."

H. B. No. 717, A bill to be entitled "An Act to provide for the waiver of pay by any State or District officer in any branch of the government while on active military duty, and for the waiver by him of the emoluments of his office in favor of the person filling his office during such military service; and declaring an emergency."

H. B. No. 718, A bill to be entitled "An Act to amend Article 4912, Revised Civil Statutes of Texas, 1925, so as to provide for any aggrieved party to have the right to apply to any court of competent jurisdiction to obtain redress; etc.; and declaring an emergency."

H. B. No. 719, A bill to be entitled "An Act amending Article 5133, Re-

vised Civil Statutes of Texas, 1925, to provide a change in the appointment of the Superintendent of the Girls' Training School; and declaring an emergency."

H. B. No. 720, A bill to be entitled "An Act to amend Subdivision 30 of Article 199, Title 8 of the Revised Civil Statutes of the State of Texas of 1925, as amended, so as to change the time and terms of holding the terms of the District Court of Wichita County, Texas, constituting the Thirtieth Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 724, A bill to be entitled "An Act providing for the abolition of the elective office of County Superintendent and the creation of the appointive office of County Superintendent in certain counties, providing an election therefor and the conditions and procedure for such elections, providing for the appointment of County Superintendents upon abolition of the elective office, the conditions of same, the qualifications, duties, terms of office, removal, and compensation and expenses of such appointive County Superintendent, providing for the abolition of such appointive office and an election therefor and its conditions and procedure, etc., and providing effective date of Act."

H. B. No. 727, A bill to be entitled "An Act to amend Chapter 292, Acts of the Regular Session of the Forty-first Legislature, as amended by Chapter 584, Acts of the Regular Session of the Forty-seventh Legislature, by providing necessary drainage in connection therewith; etc.; and declaring an emergency."

H. B. No. 732, A bill to be entitled "An Act to amend Section 21 of Article 695c, of the Revised Civil Statutes of the State of Texas of the year 1925 codification, Chapter 8, under Title 20, being the Public Welfare Act of 1941, also being H. B. No. 611 passed by the Regular Session of the Forty-seventh Legislature of the State of Texas, by adding a new Section thereto to be known as Sub-section 21a providing that the Department of Public Welfare shall not consider income derived in payment of labor actually performed or service rendered by the recipients of old age assistance where the total amount for

any calendar year does not exceed \$250.00; and declaring an emergency."

H. B. No. 544, A bill to be entitled "An Act to amend Article 2815, Chapter 13, Title 49, Revised Civil Statutes of Texas, 1925, by providing a method of withdrawal in addition to the present method of dissolution; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act authorizing the District Attorney of the 79th Judicial District to appoint one Assistant District Attorney; prescribing the qualifications and duties of such assistant; fixing his salary; etc.; and declaring an emergency."

H. B. No. 250, A bill to be entitled "An Act creating a Municipal Pension System in cities of over 385,000; etc.; and declaring an emergency."

H. B. No. 726, A bill to be entitled "An Act to amend Sub-section 5, of Article 199, Revised Civil Statutes of Texas of 1925, as amended by Chapter 143, Acts 1937, 45th Legislature, as amended by Chapter 3, Acts 1939, 46th Legislature, providing for the reorganization of said District; etc.; and declaring an emergency."

H. C. R. No. 117, Authorizing Enrolling Clerk to make certain correction in House Bill No. 684.

S. B. No. 332, Departmental appropriations for the next biennium. (With amendments.)

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

(President in the Chair.)

Committee Substitute Senate Bill 287  
on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

C.S.S.B. No. 287, A bill to be entitled "An Act extending non-producing oil, gas and mineral leases granted by the State of Texas on University lands where Federal or State restrictions in effect 120 days before the expiration of the primary term prohibit the owner from drilling, completing or using materials in the drilling or completion of a well, repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Brownlee offered the following amendments to the bill:

(1)

Amend S. B. No. 287 by substituting the word "Two" in lieu of the word "One" and by adding the letter "S" to the word "year" in line 21.

(2)

Amend S. B. No. 287 by adding after the word "extension" wherever it appears in the bill the phrase "or renewal".

The amendments were adopted by the following vote:

Yeas—17

Aikin	Metcalf
Brownlee	Morris
Bullock	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	

Nays—6

Cotten	Moffett
Graves	Moore
Lanning	Vick

Absent—Excused

Beck	Kelley
Chadick	Lemens
Fain	Spears
Formby	York

Pending further consideration of the bill, President pro tempore Mauritz occupied the Chair temporarily.

(President in the Chair.)

The bill was passed to third reading.

Committee Substitute Senate Bill 287 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 287 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Graves
Beck	Hazlewood
Brownlee	Jones
Bullock	Lane
Cotten	Lanning

Lovelady	Shivers
Martin	Stone
Mauritz	Sulak
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Morris	York
Ramsey	

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Morris
Brownlee	Ramsey
Bullock	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—4

Cotten	Moffett
Graves	Moore

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

Senate Bill 357 on First Reading

Senator Shivers moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Beck	Lanning
Brownlee	Lovelady
Bullock	Martin
Cotten	Mauritz
Graves	Metcalf
Hazlewood	Moffett
Jones	Moore



Morris	Vick
Ramsey	Weinert
Shivers	Winfield
Stone	York
Sulak	

## Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senators Shivers, Martin and Winfield:

S. B. No. 357, A bill to be entitled "An Act permitting insurance carriers organized and licensed under the laws of the Republic of Mexico, or any State thereof, to underwrite in the State of Texas automobile coverage, accident and other insurance risks upon persons and personal property while in the Republic of Mexico, prescribing the conditions to be complied with to enjoy such privileges; repealing all laws and parts of laws to the extent of conflict herewith; providing for severability; and declaring an emergency."

To Committee on Insurance.

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 119, Providing for a joint session April 28 at 11:00 a. m. to hear the Hon. Sam Rayburn.

S. C. R. No. 45, Relative to the opposition of the Federalization of the Texas Unemployment Commission.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

Conference Committee on  
Senate Bill 332

Senator Lanning called S. B. No. 332 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate,

and the House amendments were read.

Senator Lanning moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

## Bills and Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 673, A bill to be entitled "An Act to amend Section 1 of H. B. No. 432, Chapter 62, Acts of the Forty-sixth Legislature, Regular Session, by eliminating Comal County therefrom; etc.; and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act repealing Section 2 of H. B. No. 982, Chapter 46, Acts of the Forty-sixth Legislature, Regular Session; etc.; and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act providing for the compensation of the official shorthand reporter of certain courts in all counties in the State of Texas containing a population in excess of two hundred twenty-five thousand (225,000) inhabitants according to the last preceding or any future Federal Census; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act amending Article 1583 Chapter 6, Title 18, of the Penal Code of Texas, 1925, as amended by Chapter 139, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 173, Acts of the Regular Session of the Forty-fifth Legislature, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand (25,000) inhabitants and in cities of more than thirty thousand (30,000) inhabitants; etc.; and declaring an emergency."

H. B. No. 534, A bill to be entitled "An Act to amend Article 5436, Revised Civil Statutes of Texas, 1925, by giving authority to the Texas Library and Historical Commission to transfer books and documents to other libraries which are provided for by State appropriations; etc.; and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act to amend Article 256 of the Revised Civil Statutes of Texas, 1925, so as to provide that the Archivist of the Texas State Library shall have power to certify to copies of the archives of the Texas State Library; and declaring an emergency."

H. B. No. 481, A bill to be entitled "An Act validating the action of Commissioners' Court of Stephens County, etc.; and declaring an emergency."

H. C. R. No. 114, Providing for a suspension of the joint rules to allow consideration by House or Senate of either House or Senate bills on Wednesday evening, April 21, 1943.

H. B. No. 637, A bill to be entitled "An Act prohibiting any person for two years during which time it shall be unlawful to take any alligator or alligators from any portion of Harrison County, Texas; etc.; and declaring an emergency."

H. B. No. 596, A bill to be entitled "An Act to amend Sections 1 and 2 of H. B. No. 1004, page 329 of the General Laws of the Regular Session of the Forty-sixth Legislature so as to extend their provisions regarding the issuance of certificates and certified copies of instruments to be used in furthering claims and establishing proof of such ex-service men of the Federal Government and such ex-members of the Auxiliaries to the Armed Forces of the United States; etc.; and declaring an emergency."

S. B. No. 61, A bill to be entitled "An Act to amend Sections 7, 9, 30, 32, 38, 40, 49, 73, and 76 of S. B. No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed by the Second Called Session of the Forty-first Legislature, as any of said Sections may have been amended; and declaring an emergency."

S. B. No. 324, A bill to be entitled "An Act to amend Subsection 22 of Article 199, Title 8, of the Revised Statutes of Texas, so as to change the time and terms of holding the 22nd District Court in Austin, Hays, Caldwell, Fayette, and Comal Counties, constituting the Twenty-second Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; to vali-

date the summoning of grand and petit juries under this Act; and declaring an emergency."

#### Senate Bill 311 on Second Reading

Senator Stone moved that the regular order of business be suspended to take up for consideration at this time:

S. B. No. 311, A bill to be entitled "An Act authorizing the public school board to revise leases affecting all islands, salt water lakes, bays, inlets, marshes and reefs owned by the State within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, upon such terms and considerations as the school land board may consider fair and advantageous to the State, authorizing the school land board to execute supplemental instruments accomplishing such revision after proposal; etc.; and declaring an emergency."

The motion prevailed by the following vote:

#### Yeas—16

Aikin	Lovelady
Beck	Martin
Brownlee	Ramsey
Bullock	Stone
Hazlewood	Sulak
Jones	Weinert
Lane	Winfield
Lanning	York

#### Nays—7

Cotten	Moffett
Graves	Moore
Mauritz	Shivers
Metcalf	

#### Absent

Morris	Vick
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#### Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Mauritz offered the following amendment to the bill:

Amend S. B. 311 by adding at the end of Section 2 the following:

"provided however that no modification or revision shall be made on wells now in production and modifications or revisions shall be only for the duration of the war."

Senator Martin offered the following amendment to the amendment:

Amend Mauritz amendment to S. B. No. 311 by striking all below the word "Production" appearing in line four of said amendment.

Yeas and nays were demanded, and the amendment to the amendment was adopted by the following vote:

## Yeas—13

Beck	Ramsey
Brownlee	Stone
Hazlewood	Sulak
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

## Nays—12

Aikin	Metcalf
Bullock	Moffett
Cotten	Moore
Graves	Morris
Jones	Shivers
Mauritz	Vick

## Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

The amendment as amended was adopted.

Senator Mauritz offered the following amendment to the bill:

Amend S. B. No. 311 by adding another Section just preceding the emergency clause to read as follows:

"It shall be the duty of the School Land Board to take into consideration all leases held by any lessee in modifying or revising any lease and report back to the next Legislature all actions taken by virtue of this Act."

Senator Stone moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—12

Beck	Ramsey
Brownlee	Stone
Lane	Sulak
Lanning	Weinert
Lovelady	Winfield
Martin	York

## Nays—11

Aikin	Cotten
Bullock	Graves

Jones  
Mauritz  
Metcalf  
Moffett

Morris  
Shivers  
Vick

## Absent

Hazlewood

Moore

## Absent—Excused

Chadick  
Fain  
Formby

Kelley  
Lemens  
Spears

Question—Shall the bill be passed to engrossment?

## House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated.

H. B. No. 358, to Committee on Towns and City Corporations.

H. B. No. 317, to Committee on Insurance.

H. B. No. 250, to Committee on Towns and City Corporations.

H. B. No. 32, to Committee on Highways and Motor Traffic.

H. B. No. 248, to Committee on Oil, Gas and Conservation.

H. B. No. 268, to Committee on State Affairs.

H. B. No. 318, to Committee on Insurance.

H. B. No. 349, to Committee on State Affairs.

H. B. No. 382, to Committee on Civil Jurisprudence.

H. B. No. 410, to Committee on Civil Jurisprudence.

H. B. No. 434, to Committee on Education.

H. B. No. 473, to Committee on Finance.

H. B. No. 495, to Committee on Civil Jurisprudence.

H. B. No. 516, to Committee on Insurance.

H. B. No. 544, to Committee on Education.

H. B. No. 553, to Committee on Insurance.

H. B. No. 416, to Committee on Finance.

H. B. No. 574, to Committee on Insurance.

H. B. No. 632, to Committee on Highways and Motor Traffic.

H. B. No. 643, to Committee on Insurance.

H. B. No. 654, to Committee on Game and Fish.

H. B. No. 668, to Committee on Civil Jurisprudence.

H. B. No. 681, to Committee on Game and Fish.

H. B. No. 683, to Committee on Civil Jurisprudence.

H. B. No. 695, to Committee on State Affairs.

H. B. No. 698, to Committee on Game and Fish.

H. B. No. 699, to Committee on Education.

H. B. No. 701, to Committee on Counties and County Boundaries.

H. B. No. 703, to Committee on Highways and Motor Traffic.

H. B. No. 704, to Committee on Civil Jurisprudence.

H. B. No. 709, to Committee on Civil Jurisprudence.

H. B. No. 732, to Committee on Agriculture.

H. B. No. 727, to Committee on Oil, Gas and Conservation.

H. B. No. 726, to Committee on Civil Jurisprudence.

H. B. No. 724, to Committee on Education.

H. B. No. 720, to Committee on Civil Jurisprudence.

H. B. No. 719, to Committee on State Departments and Institutions.

H. B. No. 718, to Committee on Insurance.

H. B. No. 717, to Committee on State Affairs.

H. B. No. 716, to Committee on Judicial Districts.

H. B. No. 713, to Committee on Game and Fish.

#### Reference of House Concurrent Resolutions

The following resolutions were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 110, to the Committee on Military Affairs.

H. C. R. No. 117, to the Committee on Game and Fish.

#### House Concurrent Resolution 119

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 119, Providing for a joint session on April 28, 1943, to

hear an address by the Honorable Sam Rayburn.

The President laid the resolution before the Senate, and it was read.

Senator Lanning offered the following amendment to the resolution:

Amend H. C. R. No. 119 by changing "11 o'clock" to "11:30 o'clock."

The amendment was adopted.

The resolution as amended was adopted.

#### Senate Bill 358 on First Reading

Senator Aikin moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

#### Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

The following bill then was introduced, read the first time, and referred to the committee indicated:

By Senator Fain:

S. B. No. 358, A bill to be entitled "An Act to be known as Article 6203aa, authorizing the Board for Lease of Texas Prison Lands to grant permits for geological surveys or investigations on Prison Lands, providing the means and manner thereof and declaring an emergency."

To Committee on Penitentiaries.

**Reports of Standing Committees**

Senator Shivers, by unanimous consent, submitted at this time, the following report:

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate:

Sir: We, your Committee on Commerce and Manufacturing to whom was referred S. B. No. 356, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Senator Hazlewood, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred H. B. No. 696, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 410, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

**Senate Bill 356 on Second Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 356 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Brownlee
Beck	Bullock

Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

**Absent—Excused**

Chadick	Kelley
Fain	Lemens
Formby	Spears

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

**Senate Bill 356 on Third Reading**

The President then laid S. B. No. 356 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

**Absent—Excused**

Chadick	Kelley
Fain	Lemens
Formby	Spears

**Recess**

On motion of Senator Vick, the Senate, at 12:15 o'clock p. m., took recess to 2:30 o'clock p. m. today.

**Afternoon Session**

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

### Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 438, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 726, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 683, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 704, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

H. B. No. 495, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 720, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Vick, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred H. B. No. 516, have had the same under consideration, and I am requested to report back to the Senate that it do pass with amendment and be printed.

VICK, Chairman.

### Senate Bill 311 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 311, relating to the revision of mineral leases on certain State lands, on its passage to engrossment.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. 311, page 1, lines 52, 53 and 54, by striking out of said lines the following:

"to less than one-eighth ( $\frac{1}{8}$ ) of the gross production of oil and/or gas from the land described in such lease and/or contract."

Senator Stone moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—13

Beck	Lane
Brownlee	Lanning
Hazlewood	Lovelady

Martin  
Morris  
Ramsey  
Stone

Weinert  
Winfield  
York

## Nays—12

Aikin  
Bullock  
Chadick  
Cotten  
Graves  
Jones

Mauritz  
Metcalf  
Moffett  
Moore  
Shivers  
Sulak

## Absent

Vick

## Absent—Excused

Fain  
Formby  
Kelley

Lemens  
Spears

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 311 by adding a new Section to read as follows:

"No royalties shall ever be scaled down until said leases shall be offered at public auction to the highest bidder by said land board."

Senator Stone moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—12

Beck  
Brownlee  
Hazlewood  
Lane  
Lanning  
Lovelady

Martin  
Ramsey  
Stone  
Weinert  
Winfield  
York

## Nays—14

Aikin  
Bullock  
Chadick  
Cotten  
Graves  
Jones  
Mauritz

Metcalf  
Moffett  
Moore  
Morris  
Shivers  
Sulak  
Vick

## Absent—Excused

Fain  
Formby  
Kelley

Lemens  
Spears

Pending further consideration of the amendment, Senator Martin occupied the Chair temporarily.

(President in the Chair.)

The amendment was adopted by the following vote:

## Yeas—13

Aikin  
Bullock  
Chadick  
Cotten  
Graves  
Jones  
Mauritz

Metcalf  
Moffett  
Morris  
Shivers  
Sulak  
Vick

## Nays—10

Brownlee  
Hazlewood  
Lane  
Lanning  
Lovelady

Martin  
Ramsey  
Stone  
Winfield  
York

## Absent

Beck

## Absent—Excused

Fain  
Formby  
Kelley

Lemens  
Spears

## Paired

Senator Weinert (present), who would vote "nay" with Senator Moore, (absent), who would vote "yea."

Senator Metcalf offered the following amendment to the bill:

Amend S. B. No. 311 by adding at the end of Section 1 the following:

"Provided that any revision of royalties approved by the Board under the terms of this Act shall not be for any longer period than two (2) years from the effective date of this Act and thereafter the royalties provided in the terms of the original lease contract shall reinstate and be in full force and effect."

Senator Stone moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—11

Beck  
Brownlee  
Hazlewood  
Lane  
Lanning  
Lovelady

Martin  
Ramsey  
Stone  
Winfield  
York

## Nays—13

Aikin  
Bullock

Chadick  
Cotten

Graves  
Jones  
Mauritz  
Metcalf  
Moffett

Morris  
Shivers  
Sulak  
Vick

# Absent—Excused

Fain  
Formby  
Kelley

Lemens  
Spears

# Paired

Senator Weinert (present), who would vote "yea" with Senator Moore (absent), who would vote "nay."

Pending further consideration of the amendment, President pro tempore Mauritz occupied the Chair temporarily.

(President in the Chair.)

The roll was called on the amendment, and the vote announced: Yeas 13, nays 13.

The President voted "nay" and the amendment was lost by the following vote:

# Yeas—13

Aikin  
Bullock  
Chadick  
Cotten  
Graves  
Jones  
Mauritz

Metcalf  
Moffett  
Moore  
Morris  
Shivers  
Vick

# Nays—14

The President  
Beck  
Brownlee  
Hazlewood  
Lane  
Lanning  
Lovelady

Martin  
Ramsey  
Stone  
Sulak  
Weinert  
Winfield  
York

# Absent—Excused

Fain  
Formby  
Kelley

Lemens  
Spears

Senator Lanning offered the following amendment to the bill:

Amend S. B. No. 311 by adding after Section 2 the following:

"No more applications to adjust royalties shall be considered or acted on by the School Land Board after September 1st, 1945."

The amendment was adopted.

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 311 by striking out in lines 40 and 41 the following:

"With the consent of the lessees and/or contracting parties thereunder, their heirs, successors and assigns."

Senator Stone moved to table the amendment.

Yeas and nays were demanded, and the vote on the motion to table was announced: Yeas 12, nays 12.

The President voted "yea," and the motion to table prevailed by the following vote:

# Yeas—13

The President  
Beck  
Brownlee  
Hazlewood  
Lane  
Lanning  
Lovelady

Martin  
Ramsey  
Stone  
Sulak  
Weinert  
Winfield

# Nays—12

Aikin  
Bullock  
Chadick  
Cotten  
Graves  
Mauritz

Metcalf  
Moffett  
Moore  
Morris  
Shivers  
Vick

# Absent

Jones

York

# Absent—Excused

Fain  
Formby  
Kelley

Lemens  
Spears

The bill then was passed to engrossment by the following vote:

# Yeas—14

Aikin  
Beck  
Brownlee  
Hazlewood  
Lane  
Lanning  
Lovelady

Martin  
Morris  
Ramsey  
Stone  
Sulak  
Weinert  
Winfield

# Nays—10

Bullock  
Chadick  
Cotten  
Graves  
Jones  
Mauritz

Metcalf  
Moffett  
Moore  
Shivers  
Vick



## Absent

York

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## Senate Bill 311 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 311 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—21

Aikin	Moffett
Beck	Moore
Brownlee	Morris
Bullock	Ramsey
Chadick	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	

## Nays—4

Cotten	Mauritz
Graves	Metcalf

## Absent

York

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Shivers, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

The bill was passed by the following vote:

## Yeas—15

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Morris
Hazlewood	Ramsey
Lane	Stone

Sulak  
Weinert

Winfield

## Nays—10

Chadick	Metcalf
Cotten	Moffett
Graves	Moore
Jones	Shivers
Mauritz	Vick

## Absent

York

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## Hearing on House Bill 278

Senator Moore asked unanimous consent of the Senate that a public hearing be held on H. B. No. 278 on next Wednesday afternoon.

There was no objection offered to the request.

## Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Penitentiaries to whom was referred S. B. No. 358, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

## Report of Conference Committee on House Bill 10

Senator Vick submitted the following report:

Austin, Texas,

Hon. John Lee Smith, Lieutenant Governor.

Sir: We, your Conference Committee appointed to adjust the differences between the House and the Senate on H. B. No. 10, have had the same under consideration, and beg leave to recommend that H. B. No.

10 be passed in the form hereto attached.

Respectfully submitted,

VICK,  
MORRIS,  
RAMSEY,  
LOVELADY,  
AIKIN,

On the Part of the Senate;

ROARK,  
YOUNG,  
STOREY,  
LUCAS,  
MONTGOMERY,

On the Part of the House.

H. B. No. 10, A bill to be entitled "An Act to amend Section 5 of H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, as amended by Section 1 of Article XIX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, by eliminating from said Section that particular exemption clause reading: 'wholesale and/or retail lumber and building material businesses engaged exclusively in the sale of lumber and building material,' and adding to said Section an exemption of any wholesale and/or retail lumber and/or building material place of business, provided as much as seventy-five (75) per cent of the gross proceeds of the business done each preceding calendar year at such place of business is derived from the sale of lumber and/or building material, and adding thereto a definition of the term 'Building Material', and providing that gas and/or electric utilities shall not hereafter be required to pay any tax or fee under this Act for the privilege of operating in towns of three thousand (3,000) population or less, according to the next preceding Federal Census, a store or stores for the purpose of selling gas and/or electric appliances and/or parts for the repair thereof, provided as much as seventy-five (75) per cent of the total gross receipts in the preceding calendar year in each such town where such a store or stores are located is derived from the sale therein of gas and/or electric service, and provided further that for the privilege of operating a store or stores in towns of more than three thousand (3,000) population, according to the next preceding Federal Census, for the purpose of selling any or all of the above named

commodities, gas and/or electric utilities shall pay only the fees imposed by Sections 2, 4 and 5 of this Act; providing a saving clause; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 5 of H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, as amended by Section 1 of Article XIX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, be and the same is hereby amended so that said Section 5 shall hereafter read as follows:

"Section 5. Every person, agent, receiver, trustee, firm, corporation, association, or copartnership opening, establishing, operating, or maintaining one or more stores or mercantile establishments within this State, under the same general management, or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating, or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually and shall be in addition to the filing fee prescribed in Sections 2 and 4 of this Act. Provided that the terms, 'store, stores, mercantile establishment or mercantile establishments' wherever used in this Act shall not include: any wholesale and/or retail lumber and/or building material place of business, provided as much as seventy-five (75) per cent of the gross proceeds of the business done each preceding calendar year at such place of business is derived from the sale of lumber and/or building material, providing that the term 'building material' as used herein shall be construed to include any material which is used or usable in the construction of buildings, improvements or structures, including materials consumed in and any article to be built into and become a part of buildings, improvements or structures; also mechanics' hand tools used in the construction of buildings, improvements or structures; and/or oil and gas well supplies and equipment dealers; and any place of business commonly known as a gasoline filling station, service station, or gasoline bulk station or plant, provided as much as seventy-five (75) per cent of the gross proceeds

of the business done thereat is derived from the selling, storing or distributing of petroleum products; or any business now paying an occupation tax measured by gross receipts; or any place or places of business used as bona fide wholesale or retail distributing points by manufacturing concerns for distribution of products of their own manufacture only; or any place or places of business used by bona fide processors of dairy products for the exclusive sale at retail of such products; or any place or places of business commonly known as Religious Book Stores, operated for the purposes of selling Religious Publications of any nature, including Bibles, Song Books, Books upon Religious Subjects, Church Offering Envelopes, Church, Sunday School and Training Union Supplies, provided that gas and/or electric utilities shall not hereafter be required to pay any tax or fee under this Act for the privilege of operating in towns of three thousand (3,000) population or less, according to the next preceding Federal Census, a store or stores for the purpose of selling gas and/or electric appliances and/or parts for the repair thereof, provided as much as seventy-five (75) per cent of the total gross receipts in the preceding calendar year in each such town where such a store or stores are located is derived from the sale therein of gas and/or electric service, and provided further that for the privilege of operating a store or stores in towns of more than three thousand (3,000) population, according to the next preceding Federal Census, for the purpose of selling any or all of the above-named commodities, gas and/or electric utilities shall pay only the fees imposed by Sections 2, 4 and 5 of this Act.

"The license fees herein prescribed shall be as follows:

"1. Upon one (1) store the license fee shall be One (\$1) Dollar;

"2. Upon each additional store in excess of one (1) but not to exceed two (2), the license fee shall be Six (\$6) Dollars;

"3. Upon each additional store in excess of two (2) but not to exceed five (5), the license fee shall be Twenty-five (\$25) Dollars;

"4. Upon each additional store in excess of five (5) but not to exceed

ten (10), the license fee shall be Fifty (\$50) Dollars;

"5. Upon each additional store in excess of ten (10) but not to exceed twenty (20), the license fee shall be One Hundred and Fifty (\$150) Dollars;

"6. Upon each additional store in excess of twenty (20) but not to exceed thirty-five (35), the license fee shall be Two Hundred and Fifty (\$250) Dollars;

"7. Upon each additional store in excess of thirty-five (35) but not to exceed fifty (50), the license fee shall be Five Hundred (\$500) Dollars;

"8. Upon each additional store in excess of fifty (50) the license fee shall be Seven Hundred and Fifty (\$750) Dollars;

"Such fees are for the period of twelve (12) months, and upon the issuance of any license after the first day of January of any one year, there shall be collected such fractional part of the license fee hereinabove fixed as the remaining months in the calendar year (including the month in which such license is issued) bear to the twelve-month period."

Section 1a. If any Section, Subsection, sentence, clause, or phrase of this Act is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Sec. 2. The fact that the exemption relating to wholesale and/or retail lumber and building material businesses as contained in the existing law requires said businesses to be restricted exclusively to the sale of lumber and/or building material nullifies the purpose of the exemption resulting in an undue and unreasonable hardship, and the further fact that the exemption relating to gas and/or electric utilities in towns of three thousand (3,000) population or less is uncertain, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

**Senate Bill 359 on First Reading**

Senator Stone moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Stone:

S. B. No. 359, A bill to be entitled "An Act creating the Galveston County Conservation and Reclamation District, prescribing the powers, duties and functions thereof, providing for the management and operation of said District, the method of financing the construction of works, facilities and improvements, prescribing certain exceptions and limitation; and declaring an emergency."

To Committee on State Affairs.

**House Bill 410 on Second Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 410 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Brownlee
Beck	Bullock

Chadick	Moffett
Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 410 on Third Reading**

The President then laid H. B. No. 410 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 278, A bill to be entitled "An Act creating the Dental College

of the University of Texas to be located in the City of Houston, Harris County, Texas, provided the Texas Dental College, Houston, Texas, shall donate its property to the Board of Regents of the University of Texas to be used for said purpose, free of all debt or other encumbrances; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Bill 278 on First Reading

The following House bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 278, to Committee on State Affairs.

#### Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 355, A bill to be entitled "An Act providing for the apportionment of the cost of the salary of the official shorthand reporter in judicial districts of this State composed of more than one county, where the court in either of such counties has successive terms without more than two days intervening between any such terms; etc.; and declaring an emergency."

H. B. No. 220, A bill to be entitled "An Act to amend Section 1 of Article 8309 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Section 1, Chapter 262, Acts of Regular Session of the Forty-fifth Legislature so as to further define certain terms; etc.; and declaring an emergency."

H. B. No. 564, A bill to be entitled "An Act providing a special license for those who trap beaver or otter outside the county of their residence; etc.; and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act providing an open season for hunting wild buck deer in Harrison and Panola Counties; etc.; and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act amending Section 16 of H. B. No. 596, Acts of the Forty-seventh Legislature, 1941, page 188, Chapter 136, by increasing the salary of the Judge of the County Court at Law of Travis County, Texas; etc.; and declaring an emergency."

H. B. No. 662, A bill to be entitled "An Act repealing H. B. No. 483, Regular Session Forty-seventh Legislature, fixing a closed season for the taking of racoon and mink in Washington, Lee, and Burleson Counties; etc.; and declaring an emergency."

H. B. No. 658, A bill to be entitled "An Act amending Subsection 7, Article 199, Title 8, Revised Civil Statutes of Texas, 1925; etc.; and declaring an emergency."

H. B. No. 653, A bill to be entitled "An Act to amend Section 4 of S. B. No. 352, Chapter 37 of the Acts of the Regular Session of 1925 and further designated as Article 952d of the Penal Code of Texas so as to change the dates of the closed season in the waters described in Section 1, of said Senate bill the same being Article 952a of the Penal Code of Texas; etc.; and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act making it unlawful to take or kill by trap, snare, or deadfall any fur-bearing animals, or have in his possession the pelts thereof, in the County of Harrison; etc.; and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College at Lubbock, Texas, to select and convey to the City of Lubbock, a municipal corporation of Lubbock County, Texas, a tract of land not exceeding five (5) acres upon the campus of the said College, for the purpose of erecting thereon an Auditorium Building to be paid for by the City of Lubbock, the instrument conveying said property to set forth said purposes and to provide that the said tract so selected and conveyed shall revert to the said College for its original use as a part of the property of Texas Technological College in the event said property should cease to be used for said purpose, and authorizing the said Board of Directors of said College to permit ingress to and egress from the said Audi-

torium; etc.; and declaring an emergency."

H. B. No. 628, A bill to be entitled "An Act to amend Subsection 26 of Section 1, H. B. No. 614, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide that if the husband is deceased, divorced, or permanently or temporarily outside the limits of the United States or if his whereabouts are unknown the mother shall have the right to file with the local registrar the certificate of marriage to which may be attached a birth certificate for each child giving certain information; etc.; and declaring an emergency."

H. B. No. 510, A bill to be entitled "An Act to amend Section 18 of Chapter 137 of the Special Laws of the Regular Session of the Forty-second Legislature known as the Bexar County Road and Bridge Law, as amended by Chapter 44 of the Special Laws of the Regular Session of the Forty-third Legislature, providing manner of expending and apportioning monies now on hand and coming into the Road and Bridge Fund of Bexar County, Texas; etc.; and declaring an emergency."

H. B. No. 562, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to buy property or to sell or lease certain property providing that the property shall be held in the name of the State of Texas for the benefit of the Agricultural and Mechanical College of Texas providing that the Chairman of the Board of Directors may execute these conveyances in the name of the State of Texas providing that abstracts of title and/or insurance may be secured; and declaring an emergency."

H. B. No. 582, A bill to be entitled "An Act for the purpose of better preserving the game and fish resources of Brazoria County by providing that the members of the county commissioners' court of said county shall be the conservators of game in said county; etc.; and declaring an emergency."

H. B. No. 337, A bill to be entitled "An Act providing that it shall be lawful in Marion County, Texas, for any person to kill, take or have in his possession for barter or sale any wild fox or the pelts thereof during

the months of December and January of any year; etc.; and declaring an emergency."

H. B. No. 428, A bill to be entitled "An Act fixing compensation of official shorthand reporters in all Judicial Districts composed of four counties and having a population of more than 116,200 and not more than 116,300 inhabitants according to the last preceding or any future Federal Census; etc.; and declaring an emergency."

H. B. No. 421, A bill to be entitled "An Act to amend Subdivision 32 of Article 199, Title 8 of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1934, Forty-third Legislature, Third Called Session, page 31, Chapter 16, Section 1, relating to the District Courts for the 32nd Judicial District, so as to change the dates of convening of the District Courts in the Counties of the 32nd Judicial District of Texas and to provide for continuous terms of the District Courts in the Counties of the 32nd Judicial District; validating all process, writs, bonds, and recognizances of every kind and character heretofore issued or entered into, and all grand and petit jurors selected and drawn under the existing laws by the various counties affected by this Act, and providing that same shall be returnable and said juror served by the next term of court in the various counties affected after the taking effect of this Act; etc.; and declaring an emergency."

H. B. No. 690, A bill to be entitled "An Act to amend Section 8 of S. B. No. 205, Chapter 79, Acts of the Thirty-ninth Legislature, 1925, changing the time and terms of holding the 103rd Judicial District Court in Wilbacy and Cameron Counties, constituting the 103rd Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 12, "An Act amending H. B. No. 6, Chapter 77, General Laws of the Regular Session of the Forty-third Legislature of the State of Texas for 1935 to provide for the granting of telephone, telegraph, electric transmission and/or power line right of ways and/or easements, or leases of sites for electric substations and the easements thereof and the rates to be charged therefor, on and

across public lands of Texas; providing for the disposition of proceeds received from such easements; providing for interest on past due amounts; providing for payment for electric transmission and power line right of ways heretofore taken and now used or occupied by any person or corporation over such lands; providing for penalties for hereafter constructing any electric transmission and power line or electric substation on or across State school, university, tidewater or gulf lands without first obtaining a grant from the State, or for hereafter continuing in possession of any such lands without first obtaining a proper easement; fixing the venue of all suits under this Act in Travis County; providing that if any Section, clause or provision of this Act be held unconstitutional, invalid or unenforceable, it shall not affect; etc.; and declaring an emergency."

H. B. No. 34, A bill to be entitled "An Act authorizing Courts of Record to declare rights, status and other legal relations, to enter declaratory judgments, to determine questions of construction or validity arising under a written instrument, Statute, ordinance, contract, or franchise; providing reasons for having declaration of rights by certain persons; providing right of Court to refuse to render declaratory judgment; providing for review; providing for supplemental relief; also authorizing jury trials when a proceeding for a declaratory judgment involves an issue of fact; authorizing the Court to make award of costs; providing procedure when declaratory relief is sought; providing a rule of construction; defining certain term; providing a saving clause; providing for uniformity of interpretation; providing a short title; and declaring an emergency."

H. B. No. 45, A bill to be entitled "An Act accepting certain parcels or

tracts of land lying adjacent to the territory of the State of Texas, which were acquired by the Government of the United States of America by virtue of the convention between the United States of America and the United Mexican States signed February 1, 1933, and ceded by the United States of America to the State of Texas by an Act of Congress approved February 9, 1940 (54 Stat. 21); and declaring an emergency."

H. B. No. 330, A bill to be entitled "An Act amending Chapter 166, of the Acts of the Forty-second Legislature, Regular Session, 1931, page 285, so as to authorize the Texas Prison Board to grant permanent and temporary right-of-way easements for irrigation systems, electric lines and pipelines and necessary equipment across, along and over any and all lands owned by the State of Texas as a part of the Penitentiary System, providing for guarantees, covenants and conditions; etc.; and declaring an emergency."

H. B. No. 682, A bill to be entitled "An Act making provision in the Flower Grove Independent School District of Martin County for an election to determine the tax rate to be levied for the payment of bonds and interest thereon; etc.; and declaring an emergency."

#### Conference Committee on Senate Bill 332

The President announced the appointment of the following conferees on the part of the Senate, on S. B. No. 332:

Senators Lanning, Mauritz, Graves, Moore, and Vick.

#### Adjournment

On motion of Senator Martin, the Senate, at 4:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.